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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,031	04/24/2001	Hitoshi Matsui	043034/0168	4261

22428 7590 08/20/2004

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

PHAN, TAM T

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/840,031

Applicant(s)

MATSUI, HITOSHI

Examiner

Tam (Jenny) Phan

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/24/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been examined. Claims 1-11 are presented for examination.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
3. The effective filing date for the subject matter defined in the pending claims in this application is 04/24/2001.
4. Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a translation of the foreign application should be submitted under 37 CFR 1.55 in reply to this action.

Information Disclosure Statement

5. An initialed and dated copy of Applicant's IDS form 1449, Received on 10/24/2002, is attached to the instant Office action. Note: Non-translated Foreign Patent Documents disclosed in Applicant's IDS were reviewed based only on the available English abstracts.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita (U.S. Patent Number 5,885,085) in view of Kolls et al. (U.S. Patent Number 6,615,186).

8. Regarding claim 1, Fujita disclosed a system comprising a parking lot having a plurality of parking spaces arranged therein: a plurality of communication devices installed in respective ones of the plurality of parking spaces, wherein each of the communication devices is allowed to communicate with a user terminal provided in a car parked in a corresponding parking space; and a switching device connected to the communication devices (Figures 1-2, column 1 lines 6-16, column 3 lines 21-39, lines 51-57, column 9 lines 50-55).

9. Fujita taught the invention substantially as claimed. However, Fujita did not expressly teach a switching device that allows the user terminal to be connected to the Internet in response to an Internet connection request received from the user terminal.

10. Fujita suggested exploration of art and/or provided a reason to modify the parking lot system with a switching device that allows the user terminal to be connected to the Internet in response to an Internet connection request received from the user terminal (Figure 6, column 9 lines 50-55).

11. Kolls disclosed a switching device allows the user terminal to be connected to the Internet in response to an Internet connection request received from the user terminal (Figure 2C, Figure 11 sign 1002, column 4 lines 12-19, column 8 lines 41-52).

12. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Fujita with the teachings of Kolls to include a switching device that allows the user terminal to be connected to the Internet in response to an Internet connection request received from the user terminal in order to conduct e-business services while inside a vehicle since in-vehicle device could access or be accessed by an Internet server to effectuate numerous forms and types of e-commerce and e-business (Kolls, column 6 lines 8-17).

13. Regarding claim 2, Kolls disclosed a system wherein the switching device is connected to the Internet through a high-speed data communication line (Figure 2C, column 28 lines 29-34).

14. Regarding claim 3, Kolls disclosed a system wherein the switching device is connected to a network system provided in a store, wherein the network system is connected to the Internet through a high-speed data communication line (Figure 2C, column 8 lines 41-52, column 28 lines 29-34).

15. Regarding claim 4, Fujita disclosed a system wherein each of the plurality of communication devices is provided with a directional antenna directed to the car to allow wireless communication using a small-power or weak radio wave (Figures 1-2, column 1 lines 53-65, column 3 lines 51-57, column 9 lines 50-55).

16. Regarding claim 5, Fujita disclosed a system wherein the parking lot is an open-air parking lot, wherein each of the plurality of communication devices is provided at a tip of a pole having a predetermined height (Figures 1-2, column 3 lines 51-57).

17. Regarding claim 6, Kolls disclosed a system wherein the parking lot is an indoor parking lot, wherein each of the plurality of communication devices is provided on a ceiling of the indoor parking lot (Figure 1C, column 6 lines 23-26, column 8 lines 41-52).

18. Regarding claim 7, Fujita and Kolls combined disclose a method for connecting a user terminal to the Internet, comprising the steps of: a) preparing a parking lot having a plurality of parking spaces arranged therein; b) preparing a plurality of communication devices installed in respective ones of the plurality of parking spaces, wherein each of the communication devices is allowed to communicate with a user terminal provided in a car parked in a corresponding parking space; c) receiving an Internet connection request from the user terminal provided in the car parked in the corresponding parking space; and d) connecting the user terminal to the Internet

depending on the Internet connection request (Fujita, Figures 1-2, column 1 lines 6-16, column 3 lines 21-39, lines 51-57, column 9 lines 50-55; Kolls, Figures 1B, 1I, 1K-1M, 2A-2C, 10, column 4 lines 12-19, column 5 line 60-column 6 line 7, column 8 lines 41-52).

19. Regarding claim 8, Kolls disclosed a method wherein the Internet connection request includes an identification number that has been uniquely assigned to a user of the user terminal, wherein the step d) comprises the steps of: determining whether the identification number is authenticated; when the identification number is authenticated, connecting the user terminal to the Internet (Figure 21, column 8 lines 28-39, column 57 line 50-column 58 line 36).

20. Regarding claim 9, Kolls disclosed a method wherein the plurality of communication devices are connected to the Internet through a high-speed data communication line (Figure 2C, column 28 lines 29-34).

21. Regarding claim 10, Kolls disclosed a method wherein the plurality of communication devices are connected to a network system provided in a store, wherein the network system is connected to the Internet through a high-speed data communication line (Figure 2C, column 8 lines 41-52, column 28 lines 29-34).

22. Regarding claim 11, Fujita and Kolls combined disclose an Internet connection service device comprising: a plurality of wireless communication devices, each of which communicates with a user terminal provided in a car parked within an area at a predetermined distance from the wireless communication device and a switching device connected to the communication devices, wherein the switching device allows the user terminal to communicate with a desired site on the Internet in response to an Internet connection request received from the user terminal (Fujita, Figures 1-2, column 1 lines 6-16, column 3 lines 21-39, lines 51-57, column 9 lines 50-55; Kolls,

Figures 1B, 1I, 1K-1M, 2A-2C, 10, column 4 lines 12-19, column 5 line 60-column 6 line 7, column 8 lines 41-52).

23. Since all the limitations of the claimed invention were disclosed by the combination of Fujita and Kolls, claims 1-11 are rejected.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Clapper (U.S. Patent Number 6,417,624) disclosed a system to identify available parking spaces using detectors in each of the spaces in a parking lot. The detectors may communicate the availability of a space after detecting whether or not an item is currently situated at the space. This information may be assembled and displayed using mapping software to indicate available spaces. The available spaces are parking spaces and the user is a vehicle operator having an in-car personal computer system. An in-car personal computer system may have a display showing a map of the parking facility, indicating an available space and providing directions to reach that space. The transmission of information between the detector and the base station may use wired or wireless communication techniques. The base station may in turn include an antenna that transmits information about the availability of spaces to an operator (Abstract, Figures 1-2, column 1 line 50-column 2 line 67).

b. Schepps (U.S. Patent Number 6,040,774) disclosed a locating system and method employs a plurality of radio frequency readers arrayed with respect to a region having a plurality of zones within which a plurality of radio frequency tags are to be located. In three physical dimensions as in a two-story facility, a reader mounted on a wall or ceiling

of first floor has an antenna beam giving it a coverage area including the doorway.

Reader mounted on a wall or ceiling of second floor has an antenna beam that provides a coverage area including the stairway. Reader has an antenna beam which provides a coverage area that includes second floor as well as the first floor because the floor is transparent to the transmission of radio frequency signals, such as between coded articles and reader. In an alternative embodiment, readers might be installed on a building or a pole within the area, and it is not necessary that they be located at the geographic center of the coverage area (Abstract, Figure 6, column 2 lines 18-59, column 4 lines 29-67, column 6 line 53-column 7 line 31).

c. Bunn (U.S. Patent Number 6,240,365) disclosed an automated vehicle tracking and service provision system including a central controller, a local controller located in each vehicle, the central controller and the local controllers including wireless communication interface for communication of information between the central controller and the vehicle. In an airport example, upon vehicle return, the GPS tracking and fuzzy logic software will determine the rental customer, they are returning the rented vehicle as the vehicle approaches the rental company return parking lot and commence close-off of the rental agreement. The close-off includes reading the mileage and fuel tank levels, reporting collision occurrence during rental, completing the contract including charging to the renter's credit card and printing out the receipt to the in-vehicle printer (Abstract, Figures 2-10, 13-14, column 2 line 33-column 4 line 16, column 45-column 6 line 30, column 7 lines 17-57, column 8 lines 28-column 9 line 51, columns 11-14).

Art Unit: 2144

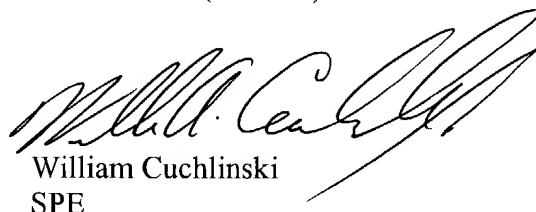
25. Refer to the enclosed PTO-892 for details and complete listing of other pertinent prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (703) 305-4665 or (571) 272-3930 (new telephone number after October 2004). The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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tp
August 17, 2004